

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

RACHEL LYNN WILLIAMSON  
and CONSTANCE NOCOA,  
individually and on behalf of all others  
similarly situated

Plaintiffs,

vs.

GERARDO LORENZO LINARDUCCI,  
an Indiana individual, and  
INTEGRITY WEALTH PARTNERS,  
LLC, an Indiana limited liability  
Corporation, and DUCCI  
ENTERPRISES, LLC, an Indiana  
limited liability corporation,

Defendants.

CASE NO.: 1:24-CV-01526-TWP-MJD

**DEFENDANTS INTEGRITY WEALTH PARTNERS, LLC AND DUCCI  
ENTERPRISES, LLC'S REPLY IN SUPPORT OF MOTION TO STRIKE  
DECLARATION OF ROSS GOOD**

Integrity Wealth Partners, LLC ("IWP") and Ducci Enterprises, LLC ("Ducci") (collectively "Defendants"), by counsel, files this *Reply in Support of Motion to Strike Declaration of Ross Good*.

Plaintiffs' Response to Motion to Strike (Dkt. No. 44) takes issue with Defendants' Motion to Strike the Declaration of Ross Good, filed in support of Defendants Rule 12(b)(1) Motion (Dkt. No. 42-1), but only for procedural reasons. They do not address much less rebut the substantive and evidentiary objections Defendants raised for why the Court should disregard the Declaration: Taking

Plaintiff's own description at face value, it does not address the substantive criteria under CAFA—the number of *class members* (i.e., investors)—but rather only the number of *payments* made while the number of *investors* is unknown. (See Dkt. No. 43 at 11–12). But equally problematic, Mr. Good's declaration on its face states that Exhibit 2 is an “analysis” of “source material” and thus inadmissible hearsay. (See *generally* Dkt. No. 43 at 11–12). Plaintiffs' only attempt to distinguish the case law cited by Defendants supporting the Motion to Strike is that the case involved summary judgment proceedings, not Rule 12(b)(1) proceedings. (Dkt. No. 44 ¶ 4). Thus, Plaintiffs waived any substantive or evidentiary argument on this issue.

Plaintiffs instead argue procedure, saying that Defendants cannot move to strike a declaration within a brief in support of a motion to dismiss, only within a motion for summary judgment. Plaintiffs appear to be making two procedural arguments here: First, that Defendants should have filed a separate motion to strike rather than include their evidentiary objection within their reply brief. But on a Rule 12(b)(1) motion, where parties may present jurisdictional facts, judicial economy and common sense are best served when parties make their evidentiary objections within their briefs rather than clutter the Court's docket with collateral motions. That's the point of Local Rule 56-1(i) in summary judgment briefing. Nothing in the local rules suggests it cannot apply in Rule 12(b)(1) briefing. It was economy and efficiency—not “sneakiness”—that was the basis for Defendants including it in their reply. If they were wanting to be “sneaky,” they would not have called attention to the imbedded motion to strike in the document title and caption.

Second, Plaintiffs appear to set up a strawman, arguing that it is proper to include extra-pleading evidence on a Rule 12(b)(1) motion to dismiss. (Dkt. No. 44 ¶¶ 5–6). Defendants do not quibble with that general proposition nor with the fact that Mr. Good submitted a declaration; rather, the point of Defendants’ motion is that the evidence submitted must satisfy admissibility under the Rules of Evidence. *See, e.g., Celauro v. U.S. I.R.S.*, 411 F. Supp. 2d 257, 263 (E.D.N.Y. 2006), *aff’d sub nom. Celauro v. United States*, 214 F. App’x 95 (2d Cir. 2007) (“[h]earsay statements contained in the affidavits [submitted in connection with Rule 12(b)(1) motion] may not be considered.”); *Forbes v. State Univ. of New York at Stony Brook*, 259 F. Supp. 2d 227, 232 (E.D.N.Y. 2003) (same). Because Mr. Good’s declaration is inadmissible hearsay, it should be disregarded and stricken.

### **CONCLUSION**

THEREFORE, Defendants Integrity Wealth Partners, LLC and Ducci Enterprises, LLC request the Court for an order striking the Declaration of Ross Good and all references to and quotations therefrom, and for all other just and proper relief.

Respectfully submitted,

/s/ Kevin D. Koons

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2025, I filed the foregoing *Defendants'*  
*Reply in Support of Motion to Strike* electronically with the Clerk of the Court.

Notice of this filing will be sent to the following by operation of the Court's  
electronic filing system. Parties may access this filing through the Court's system.

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